

Report of the Head of Planning, Sport and Green Spaces

Address 54 THE BROADWAY JOEL STREET NORTHWOOD

Development: Change of use from shop (Use Class A1) to use as a nail bar (Sui-Generis) (Retrospective)

LBH Ref Nos: 72958/APP/2017/2134

Drawing Nos: 17/3110/2
17/3110/3
Location Plan

Date Plans Received: 13/06/2017 **Date(s) of Amendment(s):**

Date Application Valid: 14/07/2017

1. SUMMARY

Planning permission is sought for the existing Change of Use from a shop (Use Class A1) to a nail bar (Sui-Generis) (Retrospective)

No external alterations are proposed as part of this application.

2. RECOMMENDATION

APPROVAL subject to the following:

1 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17/3110/2, 17/3110/3, received on 13/06/2017 and Location Plan, received on 28/06/2017.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8

(right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

3 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
LPP 2.15	(2016) Town Centres
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
NPPF2	NPPF - Ensuring the vitality of town centres
OE1	Protection of the character and amenities of surrounding properties and the local area
S1	New retail development within the shopping hierarchy
S11	Service uses in Primary Shopping Areas
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades

3. CONSIDERATIONS

3.1 Site and Locality

The site forms part of a terrace of 6 similar lock-up shops with two storeys of residential accommodation above which are accessed independently from the rear where there is also shared car parking area for up to 16 vehicles which the applicant uses for staff car parking.

The application site comprises the ground floor of a mid-terrace building situated on the Western side of Joel Street within the Primary Shopping Frontage of Northwood Hills Minor Town Centre, as identified in the Hillingdon Local Plan (UDP) (Saved Policies, September 2007) which is carried forward in the Local Plan Part 2 - Development Management Policies which is awaiting examination.

The surrounding area falls within a protected shopping parade which is made up predominantly of commercial uses on the ground floor and residential to the upper floors. To either side of the shopping parade, rows of three storey terraced residential units to the upper floors dominate the street scene.

3.2 Proposed Scheme

Retrospective planning permission is sought for the change of use from a shop (Use Class A1) to a nail bar (Use Class Sui-Generis). The application is retrospective and relates to the ground floor lock-up shop only. No changes are proposed to the external parts of the building as part of this application.

3.3 Relevant Planning History

61729/ADV/2006/30 54 Joel Street Northwood

INSTALLATION OF NON-ILLUMINATED RETRACTABLE SHOPFRONT CANOPY.

Decision: 30-06-2006 Approved

Comment on Relevant Planning History

The site benefits from an extensive planning history and no enforcement.

4. Planning Policies and Standards

The Local Planning Authority's seeks to retain the retail function of all shopping areas to meet the needs of the area which they serve. Shops grouped conveniently together assist the process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority exercises strict control over the loss of shops to other uses.

Saved Policy S6 states that change of use will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would not have a harmful effect on road safety or worsen traffic congestion.

The proposal would not involve any external alterations to the property. It is considered that the proposal would not lead to an increased demand for parking within the vicinity and is considered not to have an adverse effect on highway safety. Therefore the proposal would comply with the criteria listed in policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Policy S7 establishes the criteria where service uses would be permitted in parades and states that change of use from A1 use will only be granted if the parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to its function in the Borough, and that the surrounding residential area is not deficient in essential shop uses. The supporting text to this policy comments that the Local Planning Authority seeks to protect vulnerable parades which are particularly important for the local community and provide opportunities for the establishment of new essential shop uses in existing Class A1 premises.

Therefore, as many essential shop uses as possible will be protected, and ideally there should be no less than three in smaller parades and a choice of essential shops in larger parades and in local centres.

The application property is located within a primary shopping parade, since sufficient numbers of shops (Use Class A1) remain and the business is well established within the area, it is considered that the loss of this previously vacant shop (Use Class A1) would not harm the vitality of this primary shopping parade. As such the proposal is considered to comply with Policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

In reaching planning decisions Local Planning Authorities are required to balance the material planning considerations in each case and the National Planning Policy Framework indicates a general principle that planning permission should be granted unless the adverse impacts significantly outweigh the beneficial impacts.

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

LPP 2.15 (2016) Town Centres

LPP 4.8 (2016) Supporting a Successful and Diverse Retail Sector and related facilities and services

NPPF2 NPPF - Ensuring the vitality of town centres

OE1 Protection of the character and amenities of surrounding properties and the local area

S1 New retail development within the shopping hierarchy

S11 Service uses in Primary Shopping Areas

S6 Change of use of shops - safeguarding the amenities of shopping areas

S7 Change of use of shops in Parades

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

4 neighbouring properties along with the Northwood Hill Residents Association were all consulted on 17/07/2017 and a site notice was posted to the front of the site.

One letter of support was received from the Northwood Hill Residents Association as follows:

The Nails and Co are well established and respected business in Northwood Hill and as such we have no hesitation in adding our support to the above technical change of use application which we understand it was inadvertently not made at the time the shop was opened.

Internal Consultees

Not relevant to this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The relevant policies and standards that are to be considered in the determination of this application have been provided in the relevant section above. The principle of the development is essentially whether the loss of A1 use within a protected shopping parade could be supported, and whether the change of use can be justified in this instance.

The proposal would not involve any external alterations to the property. It is considered that the proposal would not lead to an increase demand for parking within the vicinity and is considered not to have an adverse effect on highway safety and as a sufficient number of shops would be retained to provide a range and choice of shops appropriate to the size of the parade.

In support of their proposal and in justification for the loss of A1 use the agent states:

" Previous to this use, the site in question was vacant for 3 years and consistently marketed for over a year without success. Its last use was more than 10 years ago when it was used as a general food store. The applicant took up occupation of the property in 2010 on the misunderstanding that his then proposed use was within Class A1 and therefore no change of use was involved.

The business has operated successfully from the premises for almost 8 years without giving rise to any problems and, with its extended hours of opening and loyal customer base, contributes much to its vitality and viability. It is the only dedicated nail bar in the area so draws custom from a wide area and drives footfall which helps support the vitality and viability of the area. Its customer-base exhibit strong brand loyalty and make regular visits to the site for treatments. They will also often take advantage of the opportunity to visit other shops in the area. The applicant is active in the community and supportive of initiatives to support the prosperity and attractiveness of the town centre. In particular, he was a keen and early advocate of the recently completed town centre enhancement scheme and worked alongside the council and TfL to tailor the scheme to meet the needs of traders and to overcome objections.

Even if it could be argued that the development results in the loss of A1 use, this would, to some extent, be offset by the proposed conversion of vacant shop to provide the only dedicated nail bar in the area. In addition, no objections are raised to the conversion, on the contrary, a letter of support was received from the Northwood Hill Residents Association.

On the basis of the above the scheme is, on balance, considered to comply with current relevant Local Plan, London Plan and national planning policies such that no objections are raised to the principle of the development in this instance, subject to the proposal meeting other site specific criteria.

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

7.07 Impact on the character & appearance of the area

There are no external changes proposed.

7.08 Impact on neighbours

Policies BE19, BE20 and BE24 of the Hillingdon Local Plan: Part Two-Saved UDP Policies (November 2012) seek to ensure the amenities of adjoining occupiers are protected in new developments. Policy OE1 advises that planning will not normally be approved for uses which are likely to become detrimental to the amenity of surrounding properties because of noise.

There are no changes proposed to the external parts of the building that no issues of overlooking or loss of privacy will arise.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Proposal would not involve any external alterations to the property. It is considered that the proposal would not lead to an increased demand for parking within the vicinity and is considered not to have an adverse effect on highway safety.

7.11 Urban design, access and security

This is a change of use only. There are no changes to the building itself.

7.18 Noise or Air Quality Issues

Not applicable to this application.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the

proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

10. CONCLUSION

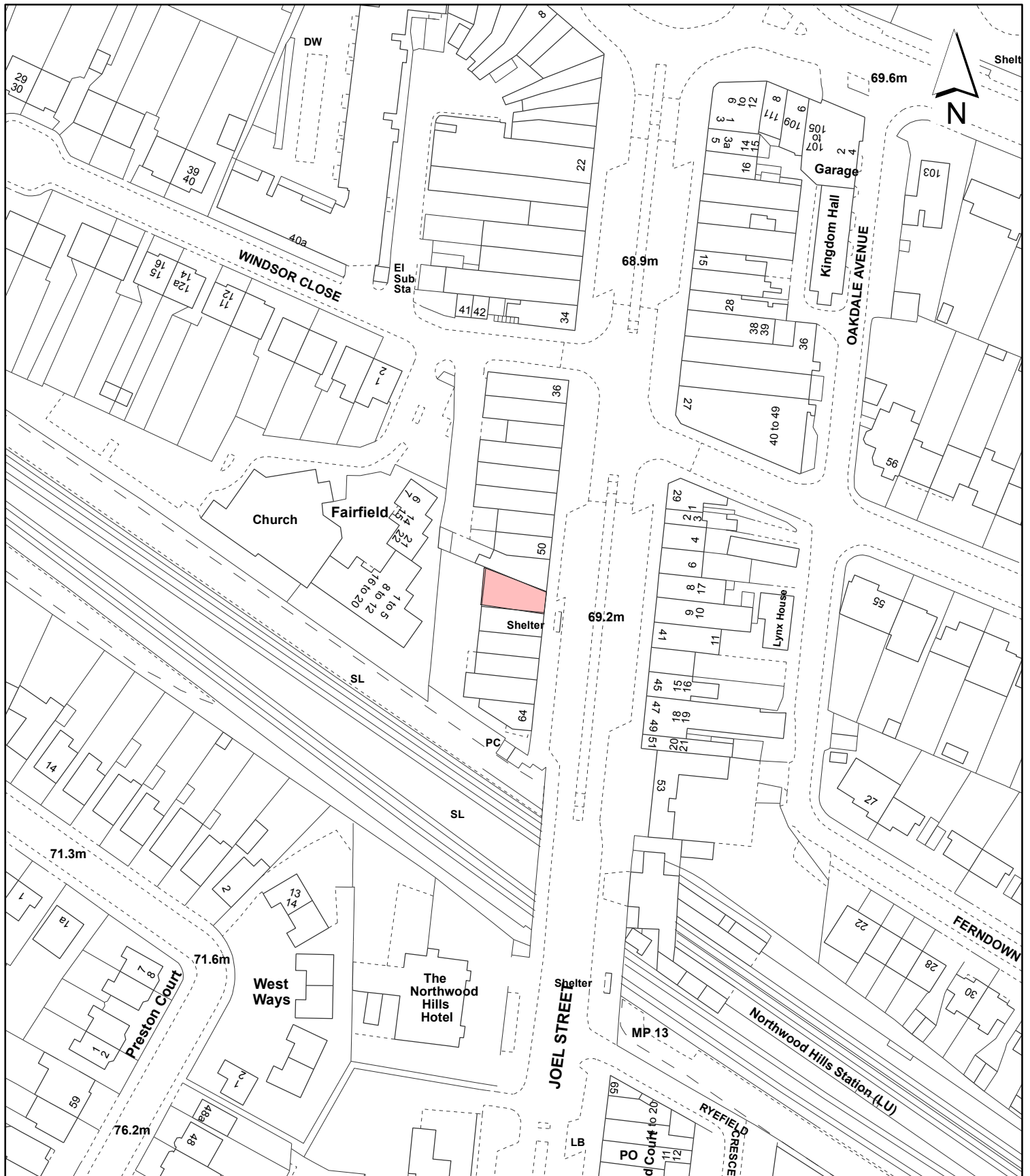
Planning permission is sought for the change of use from a shop (Use Class A1) to a nail bar (Use Class Sui Generis). The application is retrospective and relates to the ground floor lock-up shop only. No changes are proposed to the external parts of the building within the application so there would be no external impact. It is recommended that planning permission be granted.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Maria Tomalova

Telephone No: 01895250320



Notes:

 Site boundary

For identification purposes only.
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2016 Ordnance Survey 100019283

Site Address:

**54 The Broadway
 Joel Street**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:

72958/APP/2017/2134

Scale:

1:1,250

Planning Committee:

North

Date:

November 2017



HILLINGDON
 LONDON